

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MANIE LEIGH FOSKEY, III)	
)	
Plaintiff,)	Civil Action No. 05-1566
)	
v.)	Judge Joy Flowers Conti
)	Magistrate Judge Caiazza
JEFFREY A. BEARD, <i>et al.</i> ,)	In re: Doc. 28
)	
Defendants.)	

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on November 14, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on November 20, 2006, recommended that the Plaintiff's Motion for Temporary Restraining Order and/or Preliminary Injunction be denied.

The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Fayette, LaBelle, Pennsylvania, where he is incarcerated and on the Defendants. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 4th day of January, 2007

IT IS HEREBY ORDERED that the that the Plaintiff's Motion for Temporary Restraining Order and/or Preliminary Injunction is denied.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 34), dated November 20, 2006, is adopted as the opinion of the court.

/s/ Joy Flowers Conti

Joy Flowers Conti

U.S. District Court Judge

cc:

Francis X. Caiazza

U.S. Magistrate Judge

Manie Leigh Foskey, III, CE-0554

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